IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.22 OF 2003

M/s. Progressive Polypack Industries. ..Applicant.

V/s.

M/s.Pragya Plastics. ..Respondent.

Mr.A.A.Kumbhkoni with Madhav Jamdar for applicant.

Ms. Snehal Vedak for Bhagwati Trivedi for Respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 17, 2006.

P.C. :

1. Heard.

2. This matter has been numbered as MCA on the basis of communication received by the Registry of this court from the District & Sessions Judge, Kolhapur dated 3rd March, 2003. It is mentioned that the suit filed by the plaintiff which is stated to be pending before the District court, Kolhapur being Regular Civil Suit No.1 of 2002 will have to be withdrawn and transferred to this court in view of Section 22(4) of the Designs Act, 2000. The Trial court ought to have taken necessary steps in that behalf. In any case, since this request has been made formally by communication under consideration of

the District Judge, it is ordered that regular Civil suit NO.1 of 2002 pending in the court of District Judge Kolhapur should stand withdrawn to this court to be proceeded further in accordance with the law on the original side of the High court. Ordered accordingly.

3. Application disposed of on the above terms.